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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,953	03/19/2004	Tomohiko Yagyu	Y0647.0148	7165

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EXAMINER

ABDIN, SHAHEDA A

ART UNIT	PAPER NUMBER
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2629

MAIL DATE	DELIVERY MODE
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08/21/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/803,953	Applicant(s) YAGYU, TOMOHIKO	
	Examiner Shaheda A. Abdin	Art Unit 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendment filed on 04/30/2007 has been entered and considered by examiner.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Smith et al.(US Pub No: 20050078659 A1).

As shown in figure 1, 2 and 3 smith et al. discloses an optical network.

(1) Regarding claim 1:

Smith discloses an optical network (2) which is formed by a plurality of optical network transmission apparatuses (source node, 10a and destination node 10b) and a plurality of transmission lines (6, optical links) that connect the optical network transmission apparatuses ([0024], Fig.1), characterized in that

each optical network transmission apparatus (Fig. 3) comprises:
advertisement means (30, label availability table) for autonomously
advertising a usable wavelength in a transmission line connected to the
apparatus ([0032], [0030], and Fig. 3).

collection means (32, label list) autonomously usable wavelength in a
transmission line collecting that is advertised by another apparatus
([0024], [0031], [0032] Fig. 1 and Fig. 3)

(2) Regarding claim 2:

Smith teaches said advertisement means (30) comprises notification
means (selected label identifier) for notifying another apparatus adjacent
apparatus of the usable wavelength the transmission line connected to the
apparatus (service between source node SN and destination node DN) and
usable wavelength in the transmission line that is collected by said collection
means ([0032], Fig. 3).

(3) Regarding claim 3:

Smith teaches the optical network transmission apparatus further
comprises route calculation means for calculating a route of an optical path on
the basis of the usable wavelength in the transmission line connected to the
apparatus and the usable wavelength in the transmission that is collected by said
collection means ([0032], [0035]), [0037], lines 7-19, and Fig. 3).

(4) Regarding claim 4:

Smith teaches the optical network transmission apparatus comprises

wavelength management means (cross-connect with controller 26) for managing the usable wavelength in the transmission line connected the apparatus ([0012], [0026], and Fig. 2).

wavelength update means (label availability table 28) for updating usable wavelength managed by said usable wavelength management means when an optical path is set in transmission line connected the apparatus ([0026], [0012], and Fig. 2).

(5) Regarding claim 5:

Smith teaches an optical network transmission apparatus (source node and destination node) in which the apparatus and other adjacent apparatuses (4a, XC) are connected by transmission lines (6), characterized by comprising:

advertisement means (30, label availability table, Fig. 3) for autonomously advertising usable wavelengths in the transmission lines connected to the apparatus ([0024], [0032], [0030], and Fig. 3);

collection means (32, label list) for autonomously collecting usable wavelengths that are advertised by said other apparatuses ([0024], [0031], [0032], fig. 1 and Fig. 3).

(6) Regarding claim 6:

Smith teaches said advertisement means comprises notification means for notifying said other apparatuses of the usable wavelengths in the transmission lines connected to the apparatus (service between source node SN and destination node DN) and the usable wavelengths in the transmission lines that are collected by said collection means ([0032], Fig. 3).

(7) Regarding claim 7:

Smith teaches route calculation means (label list 32 and compares it with its associated label availability table 28a (step 104)) for calculating a route of an optical path on the basis of the usable wavelengths the transmission lines connected to the apparatus and the usable wavelengths in the transmission lines that are collected by said collection means ([0032-0035]), [0037], lines 7-19, and Fig. 3).

(8) Regarding claim 8:

Smith teaches wavelength management means (cross-connect with controller 26) for managing the usable wavelength in the transmission lines connected to the apparatus;

wavelength update means (28) for updating the usable wavelengths managed by said usable wavelength management means when an optical path is set in the transmission lines connected the apparatus ([0012], [0026], and Fig. 2).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 9-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. (US Pub No: 20050078659 A1) in view of Tsushima et al. (US Patent No: 6970614 B2).

(9) Regarding claims 9 and 3:

As shown in fig. 1, 2 and 3 Smith et al. discloses a method and system comprising: a distributed routing control method in an optical network which is formed by a plurality of optical network transmission apparatuses and a plurality of transmission lines that connect the optical network transmission apparatuses, characterized by comprising the step of causing each optical network transmission apparatus to autonomously advertise a usable wavelength in a transmission line connected to the apparatus ([0032], [0035]), [0037], lines 7-19, and fig. 3) and autonomously collect transmission line that usable wavelength in a is advertised by another apparatus ([0032], [0030], and Fig. 3).

Note that Smith does not teach a machine-readable recording medium which records a program distributed routing control method in an optical network.

However, Tsushima et al. in the same field of endeavor, discloses a machine-readable recording medium (190, control system includes a memory MEM 1910) which records a program distributed routing control method in an optical network (column 6, lines 58-67, column 7, and Fig. 6).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention to incorporate a machine-readable recording medium (190, control system includes a memory MEM 1910) which records a program distributed routing control method in an optical network as taught by Tsushima et

al., in to the net working system of Smith et al et al., so that the optical network can be configured to locate a plurality of optical switching equipments and optical transmission routes so as to allow the optical signals processed in the equipment for adding the optical signals to pass through the different optical transmission routes and equipments respectively. In this configuration the optical signal would be allowed to pass through the equipment is processed in the single configuration portion of the equipment. In combination these features result in an optical transmitter with high reliability that may be fabricated with relatively compact and low cost (Tsushima, column 2, lines 35-40) .

(10) Regarding claim 10 and 14:

Smith et al., further comprises wherein the advertisement step comprises the step of notifying another apparatus adjacent to the apparatus of the usable wavelength in the transmission line connected to the apparatus and the collected usable wavelength in the transmission line ([0024], [0032], [0030], and Fig. 3).

(11) Regarding claim 11:

Smith et al., further comprising the step of calculating a route of an optical path on the basis of the usable wavelength in the transmission line connected to the apparatus and the collected usable wavelength the transmission line ([0032], [0035]), [0037], lines 7-19, and Fig. 3).

(12) Regarding claim 12:

Smith et al., further comprising: the step of setting an optical path along a route obtained by route calculation([0032]);

the step of updating (reduced label list 34) the usable wavelength in the transmission line connected to the apparatus ([0033], Fig. 3).

(15) Regarding claim 15:

Smith et al., further executes a process [0032] calculating a route of an optical path on the basis of the usable wavelength the transmission line connected to the apparatus and the collected usable wavelength the transmission line ([0032], 0035]), [0037], lines 7-19, and Fig. 3).

(16) Regarding claim 16:

Smith et al., further executes process setting an optical path along a route obtained by route calculation, and process of updating the usable wavelength in the transmission line connected to the apparatus ([0034], and Fig. 3).

Response to Arguments

6. Applicants arguments filed on 03/07/2007 have been fully considered but they are not persuasive.

In response to applicant's Argument that the references fail to show certain feature of applicant's invention, it is noted that the features upon which applicant (i.e., **the source node knows beforehand, based on information it has received by collection means, that the path it chooses will not fail. In the claimed system a usable path is determined from the share meshed information that has been advertised/collected by the nodes of the system. Because each node knows the capabilities of the other nodes, no path**

failure will occur based on apparatus limitations). However the limitations above are not recited in the claim (s). The claim does not either recite "not failure path" nor "share meshed information". Thus, while this is unlike applicant's disclosed device, it reads on broad claimed language.

Conclusion

7. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ibukuro et al. (US- 6697546) discloses an optical node system and switched connection method.

Eng et al. (US- 20020021857 A1) discloses an optical packet switch having optical engine and packet engine.

Inquiry

9. Any inquiry concerning this communication should be directed to the examiner at (571) 270-1673 Monday- Friday 7:30 AM to 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chanh Nguyen, can be reached at (571) 272-7772.

Information regarding the status on an application may be obtained from the Patent Application information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9799 (IN USA OR CANADA) or 571-272-1000.

Any response to this action should be mailed to:

Commissioner of patents and trademarks

Washington, D.C. 20231

Art Unit: 2629

Or fax to:

(703)872-9314 (for Technology Center 2600 only)

Shaheda Abdin

08/17/2007

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SUPERVISORY PATENT EXAMINER